



Findings of Fact – Planning Cases

Variances

Variances should only be granted when they are in harmony with the general purpose of zoning ordinances or consistent with the comprehensive plan. A practical difficulty is the legal standard for consideration of variances. An applicant can demonstrate a practical difficulty when their proposal is reasonable, will not alter the essential character of the neighborhood, and is caused by a unique circumstance related to the property not directly caused by the land owner. Economics and cost can be a factor of consideration, but alone does not constitute as a practical difficulty.

1. *Has the applicant demonstrated a practical difficulty?*
2. *Are there exceptional circumstances, unique to this property, which have not been created by the land owner?*
3. *Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?*
4. *Can the variance be granted without altering the essential character of the surrounding area?*

Special Use Exception Permit

The development and administration of the Zoning Ordinance is based upon the division of the City into Zoning Districts, within said Districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized that there are certain uses, because of their unique characteristics, that cannot be properly classified in any particular District or Districts, without special consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use of that location. Such special exceptions fall into two categories: (1) Uses publicly operated or traditionally affected with a public interest; and (2) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

1. *That the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;*

2. *That the special exception will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood;*
3. *That the establishment of special exceptions will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*
4. *That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided and that the request not impair an adequate supply of air or light to adjacent properties;*
5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;*
6. *That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Adjustment; and*
7. *That the special exception shall be consistent with the New Hampton Comprehensive Plan and the Code of Ordinances.*

Amendment - Zoning Text

When a proposed amendment would result in a change in the text of the Zoning Ordinance but would not result in a change of zoning classification of any specific property, the recommendation of the Planning & Zoning Commission shall contain a statement as to the nature and effect of such proposed amendment and findings as to the following:

1. *Whether such change is consistent with the interest and purpose of this Ordinance;*
2. *The areas which are most likely to be directly affected by such change and in what way they will be affected; and,*
3. *Whether the proposed amendment is made necessary because of change or changing conditions in the areas and zoning districts affected and, if so, the nature of such changed or changing conditions.*

Amendment – Change of Zoning Map District

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning & Zoning Commission shall contain statements as to the present classification, the classification under the proposed amendment, and the reason for seeking such reclassification, and findings as to the following:

1. *Whether the change in classification would be consistent with the intent and purpose of this Ordinance;*
2. *Whether every use that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity;*
3. *Whether adequate sewer and water facilities, and all other needed public services, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;*
4. *Whether the proposed amendment would correct an error in the application of this Ordinance; and,*
5. *Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.*